

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JORDAN PENLAND, KARL GERNER,)	
EDWARD R. BURKE, AND PAUL C.)	
BURKE,)	
)	Judge John Robert Blakey
Plaintiffs,)	
)	
vs.)	Case No. 1:21-cv-05581
)	
CHICAGO PARK DISTRICT, SOLDIER)	
FIELD, AND ASM GLOBAL,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS FO FAILURE TO STATE A CLAIM

Defendant SMG, erroneously named as ASM Global, and the Chicago Park District, by its undersigned attorneys, hereby moves the Court for an order dismissing Count Two of Plaintiff Jordan Penland's, Karl Gerner's, Edward R. Burke's, and Paul C. Burke's ("Plaintiffs") Complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6), and for an order dismissing Count One of Plaintiffs' Complaint as against the Park District. The reasons for this Motion are set forth in Defendants' contemporaneously filed brief in support of this Motion.

Date: October 27, 2021

Respectfully submitted,

/s/ Christopher Ward

Christopher Ward

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and the Chicago Park District*

CERTIFICATE OF SERVICE

I, Christopher Ward, an attorney, hereby certify that on October 27, 2021, I caused the foregoing MOTION TO DISMISS to be served on the following parties, by electronic mail and by First Class U.S. mail, postage prepaid, properly addressed to:

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/s/ Christopher Ward
Christopher Ward